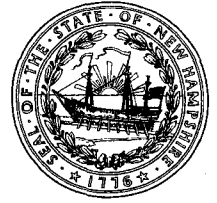




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-035**

April 14, 2006

Francis Boucher
11 Sunset Place
North Swanzey, NH 03451

RE: DES Wetlands File #2003-01571 White Birch Rd, Chesterfield

Dear Mr. Boucher;

On March 16, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chesterfield Tax Map 4B as Lot A702 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. Approximately 90 feet of intermittent stream channel had been dredged.
2. A pond approximately 13 feet long and 24 feet long had been dredged in the same stream channel and adjacent wetland.
3. The banks of the dredged channel had not been stabilized. Bare soils were eroding and sedimentation was observed downstream in the pond.
4. A large area of fill had been placed between the house and stream. Erosion controls had been installed at the base of the fill, but had not been maintained. Erosion of the fill had occurred resulting in sediment deposition in the channel.

A subsequent review of the Department's files revealed that plans were submitted to DES by Carl Hagstrom, Monadnock Septic Design, for Francis J. Boucher and approved by DES on March 11, 2002 for a subsurface disposal system. The areas impacted are depicted as jurisdictional wetlands and an intermittent stream on these plans.

In response, you are requested to take the following actions:

1. Immediately stabilize all exposed soils on the Property with straw mulch and install and maintain proper erosion controls.

2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for stabilizing the dredged stream channel and either restoring the pond to the original condition of the wetland or obtaining a permit to retain the pond on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum an initial monitoring report immediately following completion of the restoration activities and monitoring progress reports for two successive growing seasons following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

4. Within 45 days of receipt of this Letter of Deficiency, submit a Standard Dredge and Fill permit application to retain the pond. If this permit is not approved by DES Wetlands Bureau, submit a restoration plan to restore the pond within 30 days of the notification.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,


COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 5023

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Chesterfield Conservation Commission
Chesterfield Board of Selectmen
USACOE